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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Mark Jurik,

NO. C 98-20023 JW
NO. C 08-05030 CW

Plaintiff,

v.

ORDER FINDING CASES NOT RELATED

Daniel Dowling, et al.,

Defendants.

/

Presently before the Court is a judicial referral to consider whether Jurik v. Arps, C 08-05030 CW is related to Jurik v. Dowling, C 98-20023 JW.

Pursuant to Civ. L.R. 3-12(a), cases are related where (1) the actions concern substantially the same parties, property, transaction or event, and (2) it appears likely that there will be an unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted before different judges.

Although the parties in both cases partially overlap, a Consent Judgment was entered in Dowling, C 98-20023 JW, on May 15, 1998, and the matter has since closed. (See Docket Item No. 5.) Further, the Complaint in Arps, C 08-05030 CW, concerns factual allegations that appear independent and distinct from the transactions and events at issue in Dowling. Thus, it is not likely there will be an unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted before different judges.

1 Accordingly, the Court finds that Jurik v. Arps, C 08-05030 CW is not related to Jurik v.
2 Dowling, C 98-20023 JW.
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5 Dated: January 9, 2009
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JAMES WARE
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Perry James Woodward pwoodward@terra-law.com
3 Mark W. Good mgood@terra-law.com

4 **Dated: January 9, 2009**

Richard W. Wieking, Clerk

5 By: /s/ JW Chambers

6 Elizabeth Garcia
7 Courtroom Deputy